



City of Haverhill
 City Council Minutes
 Tuesday, September 29, 2020
 Theodore A. Pelosi, Jr. Council Chambers, 4 Summer St, Room 202
 Virtual and In-Person Meeting

Present – President Barrett, Councillors LePage, Bevilacqua, Michitson, Sullivan, Jordan, McGonagle, Daly O’Brien and Macek.
 City Clerk – Linda L. Koutoulas

President Barrett read the following statement: This meeting of the Haverhill City Council is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the “COVID-19 Virus”.

In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order, which you can find posted with agenda materials for this meeting allows public bodies to meet entirely remotely and live so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. This meeting will have hybrid – in person, virtual and call-in.

Due to the ongoing COVID-19 Pandemic, Governor Baker issued an Emergency Order temporarily suspending certain provisions of the Open Meeting Law, G.L. c. 30A sec. 20. Public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means."

1. Opening Prayer
2. Pledge of Allegiance
3. Approval of minutes of September 15 and 22, 2020 meetings
 Both meeting were approved Yeas 9, Nays 0
4. Assignment of the minutes review for the next Meeting
 Councillor LePage was assigned the minutes.

ON MOTION OF COUNCILLOR LEPAGE TO SUSPEND THE RULES TO INTRODUCE ORDER FROM MAYOR FIORENTINI TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH PENTUCKET MEDICAL ASSOCIATES.

RULES SUSPENDED Yeas 9, Nays 0 38E

Mayor Fiorentini explained that the memorandum of understanding provides for testing of students and teachers exposed to COVID-19. Also, testing for kids without insurance will be free. The city is paying for generator costs at the mobile unit. He thanked Drs. Maddox and Bomba for their assistance with developing this partnership.

ORDERED: That the Mayor being and is hereby authorized to enter into and execute a Memorandum of Understanding for COVID-19 Testing with Pentucket Medical Associates for the use of the Haverhill Place Parking Lot, a copy of which is attached and incorporated herein.

PASSED Yeas 9, Nays 0 38E

5. Communications from the Mayor
 Mayor submits the following Memorandum of Agreement (MOA) and Salary Ordinance between City and AFSCME Wastewater Treatment Plant Employees Group
 PLACED ON FILE Yeas 9, Nays 0 89F

MEMORANDUM OF AGREEMENT BETWEEN
 THE CITY OF HAVERHILL AND AMERICAN FEDERATION OF STATE,
 COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL 93, AFL-CIO
 LOCAL 939
 WASTEWATER TREATMENT PLANT GROUP
 (see document for complete text)

PLACED ON FILE for at least 10 days Yeas 9, Nays 0 96

MUNICIPAL ORDINANCE CHAPTER
 An Ordinance Relating to Salaries AFSCME GROUP

Be it Ordained by the City Council of the City of Haverhill that Document 51-C of 2018 is hereby amended as follows (see document for complete text)

PLACED ON FILE for at least 10 days	Yeas 9, Nays 0	97
6. Communications from Councillors to introduce an individual(s) to address the Council:		
7. Public Participation- Requests under Council Rule 28		
8. Communications and Reports from City Officers and Employees:		
Preliminary financial reports from City Auditor for month of July 2020		
PLACED ON FILE	Yeas 9, Nays 0	20B
Preliminary financial reports from City Auditor for month of August 2020		
PLACED ON FILE	Yeas 9, Nays 0	20C
9. Utility Hearing(s) and Related Order(s)		
Hearings and Related Orders:		
<u>Document 88; LME-20-1</u> Petition from Attorney Michael Migliori for “Frosty Nug Haverhill LLC” requesting Special Permit to operate an adult use marijuana establishment at 1181 Boston rd; Assessor’s Map 732, Block 777, Lot 2 <i>Comments from City Departments are included</i>		

Councillor McGonagle recused himself and left the Chambers

PRESIDENT BARRETT OPENED THE HEARING
ATTORNEY MIGLIORI REPRESENTED FROSTY NUG, HAVERHILL LLC REQUESTING A SPECIAL PERMIT TO OPERATE AN ADULT USE MARIJUANA ESTABLISHMENT AT 1181 BOSTON ROAD. HE INTRODUCED JACK HUDSON, CHAIRMAN OF FROSTY NUG, PRINCIPLES MIKE GETTINGS, DR. KRISTYN PISTONE, AND DR. DOMINICK GARIBALDI. TEAM MEMBERS BRIAN BELTS, BRENDAN KAVANAUGH, SCOTT THORNTON, STEVEN STAPINSKI AND MATT JUROS. EACH PERSON SPOKE ABOUT THEIR AREA OF EXPERTISE EXCEPT FOR BRIAN BELTS, WHO WAS NOT AVAILABLE.
THE LOCATION OF THE LME (LICENSED MARIJUANA ESTABLISHMENT) IS FIRST CHOICE AUTO. THE FOOTPRINT OF THE BUILDING WILL REMAIN THE SAME. THERE ARE 2 DRIVEWAYS, ONE WILL BE CLOSED. THE TRAFFIC COUNTS WERE DONE IN JANUARY AND FEBRUARY OF 2020. THERE WILL BE NO LEFT TURN WHEN EXITING THE SITE. THERE WILL BE 22 PARKING SPACES ON SITE FOR CUSTOMERS. EMPLOYEE PARKING WILL BE OFF-SITE WITH A REMOTE SITE TO BE DETERMINED. THEY PROPOSE 4 CUSTOMERS PER 15 MINUTES FOR 2/3 WEEKS BY APPOINTMENT ONLY. THERE WILL START WITH 5 POINTS OF SALE BUT WILL HAVE ROOM FOR 8. WILL HAVE STATE OF THE ART SURVEILLANCE SYSTEM WITH 24/7 VIDEO SURVEILLANCE, ON SITE SECURITY AND USE OF A SECURE SALLYPORT. THERE WILL BE NO ON-SITE CONSUMPTION. 3% OF GROSS SALES WILL BENEFIT THE CITY AND 3% TOWARDS LOCAL OPTION TAX. \$25K WILL BE CONTRIBUTED TO LOCAL CHARITY CHOSEN BY THE CITY.
JOY SMITH SPOKE IN SUPPORT. BARBARA DANEAU HAD A QUESTION ABOUT TRAFFIC. THOSE SPEAKING AGAINST/OPOSED WERE LESLEY HILTON, JONATHAN CAMPBELL, PRESIDENT OF FARRWOOD GREEN 2 CONDO ASSOCIATION ON BEHALF OF ALL 6 OTHER CONDO IN THE FARRWOOD DRIVE COMPLEX EXCEPT FOR ONE INDIVIDUAL. THEY VOICED THEIR STRONG OPPOSITION DUE TO TRAFFIC AND SAFETY CONCERNS. HE CITED ACCIDENTS AND THE FACT THAT THERE IS A BLIND CURVE ACCESSING THE SITE ON 4 LANE HIGHWAY. SITE IS LOCATED BETWEEN 2 RESIDENTIAL HOMES. SHERRY DIANGILIS STATED SHE LIVES DIRECTLY BEHIND THE SITE WHICH IS A RESIDENTIAL NEIGHBORHOOD WITH NO SIDEWALKS THAT IS HEAVILY USED BY WALKERS, KIDS RIDING BIKES AND SCOOTERS. IT IS ALSO A CUT THRU FROM FERRY ROAD TO CROSS ROAD. GEORGIA SIMMS SPOKE ABOUT TRAFFIC AND THE ON LINE PETITION THAT WAS SUBMITTED TO CITY COUNCIL OPOSED TO THE SITING OF FROSTY NUG AT THIS LOCATION. IF CUSTOMERS CAN’T TURN LEFT WHEN EXITING THE SITE THEY WILL END UP TAKING A LEFT INTO FARRWOOD DRIVE OR BRADFORD STREET TO TURN AROUND.
SCOTT THORNTON OF VANASSE ASSOCIATES INFORMED THAT THE BLIND CURVE WILL BE ADDRESSED IN THE FUTURE THAT WILL INCREASE THE LIGHT OF SIGHT AND THEY DID INCLUDE THE AMAZON TRAFFIC IN THEIR STUDY.
HEARING CLOSED.
COUNCILLOR SULLIVAN MOTIONED TO APPROVE THE SPECIAL PERMIT WITH A SECOND FROM COUNCILLOR DALY O’BRIEN.
COUNCILLORS EXPRESSED THEIR GRAVE CONCERNS ABOUT SAFETY AND EXISTING TRAFFIC ON RTE. 125, PROPOSED TRAFFIC AND QUESTIONED THE ABILITY TO ENSURE THAT CUSTOMERS WOULD NOT TAKE A LEFT HAND TURN OUT OF THE SITE. THEY REFERENCED CITY ENGINEER’S CONCERN ABOUT THE TRAFFIC. THE LACK OF 18 FEET RIGHT OF WAY WIDTH ACCESS FOR FIRE APPARATUS IN BACK OF THE BUILDING. WETLANDS IN THE REAR AREA.
DURING COUNCILLORS’ DISCUSSION THE FOLLOWING CONDITIONS WERE STATED:

THERE WOULD BE NO LEFT-HAND TURN ONTO RTE. 125N; POLICE PRESENCE AT APPLICANT'S EXPENSE TO MONITOR FOR A PERIOD OF TIME; PRIVACY FENCE FOR NEIGHBORS WITH GOOD VISIBILITY AND CURBING AS REQUESTED; APPROPRIATE WIDTH FOR FIRE APPARATUS IN REAR; POLICE DEPARTMENT, FIRE DEPARTMENT AND CITY ENGINEER WILL BE IN CHARGE OF APPROVING ANY INCREASES IN APPOINTMENTS AND WILL HAVE RIGHT TO REDUCE AS THEY SEE FIT BUT NO LOWER THAN ORIGINAL APPOINTMENT SCHEDULE. MASS DOT WILL HAVE TO REDESIGN CREATING A LEFT TURNING LANE ON RTE. 125N.

ON MOTION OF COUNCILLOR SULLIVAN TO AMEND THE MOTION TO INCLUDE ABOVE CONDITIONS WITH SECOND FROM COUNCILLOR DALY O'BRIEN.

SPECIAL PERMIT NOT PASSED Yeas 0, Nays 8, Abstain 1 88

ITEM NUMBERS 10 THRU 14 WERE REVIEWED PRIOR TO COUNCILLOR MCGONAGLE'S DEPARTURE

10. Appointments:

Confirming Appointments:

Cultural Council – Susan Schumacher, 19 Jeffrey Lane and John Hassan, 92 Webster st;

Appointments to expire December 31 2021

CONFIRMED Yeas 9, Nays 0 1M

Council on Youth Needs – Michelle A Rodrigues-Urrurita, 505 West Lowell Ave, Bldg 3, Apt. 3307; Daniel Lawson, 117 Bradley av and Nicholas Leung, 332 East Broadway: Appointments to expire Sept 29 2021

CONFIRMED Yeas 9, Nays 0 1N

Resignations

Cultural Council - Douglas Edison

PLACED ON FILE Yeas 9, Nays 0 3C

Commission on Disability Issues; Chairperson - Fran Hogan

PLACED ON FILE Yeas 9, Nays 0 3D

11. Petitions:

Petition from Ronald Mills, President; *Common Ground Ministries* requesting to use a portion of City-owned parking lot (part of the upper portion of Locke st lot) on Saturday, October 10 or 17th using the sidewalk in front of their property at 194 Winter st and 15 parking spaces in the Locke st lot for a yard sale
WITHDRAWN AT REQUEST OF PETITIONER Yeas 9, Nays 0 98

12. Motions and Orders

ORDERED: As part of the Fiscal Year 2021 Budget the sum of \$1,200 be appropriated from additional Unrestricted Local Aid and transfer to: Human Resources Expense \$1,200

PASSED Yeas 9, Nays 0 180

ORDERED: As part of Fiscal Year 2021 Budget the sum of \$15,000 be appropriated from additional Unrestricted Local Aid and transfer to: Other Education Funding Expenses \$15,000

PASSED Yeas 9, Nays 0 18P

13. Ordinances (File 10 days)

14. Communications from Councillors:

Communication from Councillor Mary Ellen Daly O'Brien requesting a discussion regarding Trick or Treat

COUNCILLOR DALY O'BRIEN EXPRESSED HER CONCERNS ABOUT THE CITY MOVING FORWARD WITH TRICK-OR-TREAT AND URGED THE MAYOR TO RECONSIDER THE DECISION. SHE REFERRED TO THE CDC'S COVID-19 CAUTION ABOUT HOLIDAY CELEBRATIONS.* VARIOUS SUGGESTIONS/ALTERNATIVES WERE MADE TO THE MAYOR. THE MAYOR INFORMED THAT THE BOARD OF HEALTH WILL HAVE AN EMERGENCY MEETING THIS THURSDAY ON TRICK-OR-TREAT. HIS BOTTOM LINE IS TO KEEP THE CITY SAFE.

ON MOTION OF COUNCILLOR DALY O'BRIEN TO SEND A LETTER TO THE MAYOR WITH CDC BULLETIN.

Yeas 9, Nays 0 86W

Communication from Councillors Michitson and Jordan requesting an update from Mayor Fiorentini on COVID-19 status in Haverhill

COUNCILLOR MICHITSON QUESTIONED THE MAYOR ABOUT PROCEDURES/PROCESS IF WE HIT THE RED ZONE.

MAYOR FIORENTINI INFORMED THAT WE ARE IN THE RED ZONE. IN THE PAST 2 WEEKS THERE HAVE BEEN 150 COVID CASES AND 120 OF THEM ARE ACTIVE. LARGE PART OF IT IS DUE TO LAKEVIEW NURSING HOME - 58 CASES AND 18 FROM A HOUSE OF WORKSHIP THAT IS NO LONGER HAVING SERVICES. HE DOESN'T WANT TO SHUT DOWN BUSINESSES AND HAS ASKED THE STATE TO RAMP UP TESTING. THERE WILL BE FREE MOLECULAR TESTNG AT 2 DRIVE UP OR WALK IN SITES STARTING SEPTEMBER 30 THRU OCTOBER 14. THE MAYOR ADDED THAT THEY WILL RAMP UP A MEDIA CAMPAIGN. PUBLIC SERVICE ANNOUNCEMENTS

WILL BE IN SPANISH AND ENGLISH. WE HAVE ENTERED INTO A PARTNERSHIP WITH PMA TO PROVIDE TESTING FOR STUDENTS AND TEACHERS. THE CITY IS LOOKING TO HIRE A BILINGUAL PERSON TO ASSIST WITH CONTACT TRACING. DR. MADDOX SPOKE ABOUT THE PROCESS FOR QUARANTINING AND THAT SCHOOLS WOULD REMAIN OPEN UNLESS WE ARE IN THE RED ZONE FOR 3 CONSECUTIVE WEEKS.
PLACED ON FILE

86X

15. Unfinished Business of Preceding Meeting:

Document 89-D: Mayor submits Loan Order for \$272,00 for purchase of land for water supply protection and Order authorizing him to purchase land; *Related communication from Robert Ward, Deputy DPW Director*

PLACED ON FILE

89D

Document 26-F:

ORDERED: That the City is hereby authorized to acquire, either by purchase or eminent domain, the property located off of Amesbury Road identified as Assessor's Parcel ID 464-3-1, for the purpose of protecting the City's water supply system, and to take any other action incidental and related thereto; that Two Hundred Seventy Two Thousand Dollars (\$272,00) is appropriated to pay the costs of said land acquisition project, including the payment of all costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount pursuant to Chapter 44, Section 8 (3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. (see document for complete text)

PASSED

Yeas 8, Nays 0, Absent 1

26F

Document 38-D:

ORDERED: That the City Council finds that a certain undeveloped parcel of real property located at 0 Groveland Bridge Road containing 20.56-acres of land or 895,594 square feet, more or less, Assessor's Parcel 464-3-1, is an essential parcel for public drinking water supply protection.

The parcel is located entirely within the watershed of Millvale Reservoir, which supplies up to 70+ percent of the City of Haverhill's drinking water. (see document for complete text)

PASSED

Yeas 8, Nays 0, Absent 1

38D

Document 89-E:

Mayor Fiorentini submits Bond Order authorizing bond proceeds for \$250,000 for an Asset Management Plan for City's drinking water distribution system, stormwater collection system and wastewater collection system.

PLACED ON FILE

Yeas 8, Nays 0, Absent 1

89E

BOND

ORDER: That \$250,000 is appropriated, for the purpose of planning and engineering to complete tasks related to the preparation of an asset management plan for the City's water, wastewater, and stormwater assets, including, without limitation, all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c78; that to meet this appropriation the Treasurer with the approval Mayor and the City Treasurer is authorized to borrow \$250,000 and issue bonds or notes therefor under Chapter 44 of the General Laws, or pursuant to any other enabling authority. (see document for complete text)

PASSED

Yeas 8, Nays 0, Absent 1

26G

Document 86-M:

Communication from Councillor Bevilacqua requesting a discussion about Haverhill's untreated sewage discharge into the Merrimack River and proposed public notice requirement

COUNCILLOR BEVILACQUA STATED THAT HE HADN'T RECEIVED NOTIFICATION FROM CITY ABOUT THE DISCHARGE INTO THE MERRIMACK RIVER. HE WAS CONCERNED THAT THE PUBLIC DIDN'T KNOW, ESPECIALLY THOSE WHO BOAT, SWIM OR FISH.

MR. ROBERT WARD, DEPUTY DPW DIRECTOR, INFORMED THAT THERE IS STATE LEGISLATION THAT REQUIRES PUBLIC NOTIFICATION WITHIN 4 HOURS OF DISCHARGE AND THEY ARE LOOKING TO IMPLEMENT A SYSTEM IN 2021 THAT WILL DO NOTIFICATION IN REAL TIME.

ON MOTION OF COUNCILLOR BEVILACQUA THAT WITHIN 2 HOURS AFTER A SEWERAGE DISCHARGE OCCURS A ROBO CALL AND OTHER MEANS OF PUBLIC NOTICE IS PROVIDED TO THE CITIZENRY OF HAVERHILL

NO SECOND, MOTION FAILED

16. RESOLUTIONS and PROCLAMATIONS:

17. Council Committee Reports and Announcements:

Councillor Sullivan announced a scheduled joint Natural Resources and Public Property Committee meeting with the Haverhill Historic Commission on October 7th at 6:00PM in the Theodore Pelosi Council Chambers to discuss the Hannah Duston Monument in G.A.R. park.

18. Documents referred to committee study

19. Long term matters study list

Meeting adjourned 10:45 o'clock P.M.

Yeas 8, Nays 0, Absent 1

Attest: Linda Koutoulas
City Clerk

*Doc. 86-W– Handout from Councillor Daly O’Brien, CDC Bulletin on Holiday Celebrations